



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LAW FIRM OF OMAR T. MOHAMMEDI, :  
LLC, :

Plaintiff, :

-against- :

COMPUTER ASSISTED PRACTICE :  
ELECTRONIC MANAGEMENT SOLUTIONS, :  
doing business as, :  
"Capems, Inc.," et al., :

Defendants. :

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17 Civ. 4567 (ER) (HBP)

ORDER

PITMAN, United States Magistrate Judge:

A conference having been held on this date during which several discovery issues were discussed, for the reasons stated on the record in open court, it is hereby ORDERED that:

1. In light of plaintiff's representation at the conference that it will not offer any evidence of damage as a result of Ms. Kimundi or Ms. Anantharaman's inability to work or meet deadlines due to defendants' alleged conduct, plaintiff's application for a protective order quashing the notices of deposition to Ms. Kimundi or Ms. Anantharaman is granted.

2. Plaintiff is precluded from offering any evidence (with or without testimonial or documentary), at either trial or in connection with any motion, of damage as a

result of Ms. Kimundi or Ms. Anantharaman's inability do to work or meet deadlines' due to defendants' alleged conduct.

3. The presumptive time limit for the continuation of Mr. Mohammedi's deposition is four hours. This order is without prejudice to plaintiff's right to seek a protective order terminating the deposition before the expiration of four hours and without prejudice to defendants' right to move to extend the deposition beyond four hours.

4. Any testimony or other discovery that discloses either privileged or work-product material, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. This paragraph shall be interpreted to provide the maximum protection allowed by Fed.R.Evid. 502(b) and (d).

5. The time for the completion of the continuation of Mr. Gorkic's deposition is extended to November 1, 2018.

6. If any party believes that any material produced or disclosed in discovery warrants confidential treatment or filing under seal, that party may make a motion seeking a protective order with respect to the

particular material in issue. Counsel are reminded that a protective order requires a showing of good cause, Fed.R.Civ.P. 26(c), and the burden of demonstrating good cause is on the party seeking the protective order.

Dated: New York, New York  
October 17, 2018

SO ORDERED

  
HENRY PITMAN  
United States Magistrate Judge

Copy transmitted to:

All Counsel